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COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
OFFICE OF THE SECRETARY

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MASSACHUSETTS MEDIATION SERVICE

". . . a fair and effective approach to resolving public policy disputes."

- Michael S. Dukakis
Governor

Massachusetts Mediation Service

This pamphlet describes the services, objectives and contributions of a state office which resolves public disputes of statewide significance. The office provides information and independent mediators to help state agencies and private organizations improve communication and formulate mutually satisfying agreements.

Established in January 1985 by Secretary for Administration and Finance Frank T. Keefe, the Service seeks to increase awareness of mediation among potential users in the state and to increase opportunities for public officials to negotiate settlements of disputes. The office is one of five such agencies operating in state government across the United States.

Partial funding for the Mediation Service is provided by the National Institute for Dispute Resolution, a private foundation in Washington, D.C.: Madeleine Crohn, President and William R. Drake, Deputy Director. This support is gratefully appreciated.

Services

MEDIATION

- We evaluate the potential for mediation to succeed.
- We make available independent mediators.
- We provide partial funding for mediation efforts.

FACILITATION

- Parties interested in information sharing, not negotiation, find it helpful to have us organize and facilitate their meetings.

CONSULTATION

- We advise state officials and agency managers on controversial cases and policies.
- These same officials and managers use our help on the design of new disputes resolution procedures.
- For many others, we provide referrals to other sources of information and assistance.

EDUCATION

- We offer seminars and conferences for officials and managers to improve their conflict management skills.
- Non-government parties improve their ability to resolve conflict with state agencies using information we provide.
- We publicize the effective use of conflict management techniques by state agencies and others.

The Service handles a wide range of non-labor, public policy controversies.

". . . for every interest there usually exist several possible positions that could satisfy it. All too often people simply adopt the most obvious position . . . When you . . . look behind opposed positions for the motivating interests, you can often find an alternative position which meets not only your interests, but theirs as well."

- Roger Fisher and William Ury
Getting to Yes

Typical Questions

Q. Why work with a mediator instead of negotiating directly with another party?

A. Mediation does not replace negotiation, but enhances it. With a mediator's advice, negotiators avoid problems such as rigid positions, communication breakdowns and personality conflicts.

Q. Since the Mediation Service is a state agency, how can your services remain unbiased?

A. Our office has assembled a large group of independent, qualified mediators. They are not employed by the Commonwealth. When they serve, they are paid with our foundation funds and by the parties. At the same time, our Board of Advisors is an independent entity that watches over all our efforts.

Q. What is the difference between mediation and arbitration?

A. An arbitrator, having heard each party's legal argument, is authorized to make a binding decision. A mediator helps the parties come to an agreement voluntarily. He or she cannot make final decisions or judgements.

Case Selection

The Service accepts or recommends cases for mediation when:

- public interests are at issue on a regional or statewide level;
- advantages of a mutually satisfactory agreement are evident;
- there is an urgency to solve the problem;
- a successful agreement will require creativity and craftsmanship; and
- there is concern for the future relationship of the parties.

Requests For Assistance

Our office receives inquiries and referrals from a wide variety of sources:

- directly from the parties involved;
- from foundations, associations and other civic organizations;
- from government agencies and from the courts; and
- from interested or concerned citizens.

Persons with questions or further interest are encouraged to contact us. Please write or call:

David O'Connor
Executive Director
Massachusetts Mediation Service
12 Marshall Street
Boston, MA 02108
Tel: (617) 727-2224

Policy On Fees

Many of our services, such as educational programs, referrals, preliminary case consultations and informal meeting facilitations are offered free of charge through funding provided by the Commonwealth and the National Institute for Dispute Resolution. Major mediation cases often require the appointment of an independent, professional mediator. To cover these expenses, the legislature has authorized the Mediation Service to charge disputing parties fees for its services. Arrangements for payment are made on a case-by-case basis.

BOARD OF ADVISORS

Appointed by the Governor and the Attorney General, the Board is comprised of representatives from business, public interest groups and state government. The Board reviews and comments on major policy issues concerning the Service on a regular basis.

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Executive Department
Commonwealth of Massachusetts

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STAFF

David L. O'Connor, Executive Director
Cordelia E. Kellett, Assistant to the Director
Consultant Mediators, assigned on a case-by-case basis

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